

Clearinghouse Rule 04-125
STATE OF WISCONSIN
VETERINARY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	VETERINARY EXAMINING BOARD
VETERINARY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 04-125)

ORDER

An order of the Veterinary Examining Board to repeal VE 10.05 and 10.06; to renumber and amend VE 7.06 (22) and 9.05 (12); to amend VE 1.02 (intro.), 7.055 (title), (intro.), (1) and (2), 9.035 (title), (intro.), (1) and (2), and 10.01; to repeal and recreate VE 10.02, 10.03 and 10.04; and to create VE 7.06 (22) (a) to (e), a Note following VE 7.06 (22), and VE 9.05 (12) (a) to (e) and a Note following VE 9.05 (12), relating to renewal, conduct and continuing education for veterinarians and veterinary technicians.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statute interpreted:

Section 453.062, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 453.03, Stats.

Explanation of agency authority:

2003 Wisconsin Act 103 created continuing education for veterinarians and veterinary technicians in Wisconsin and granted rule-making authority to the Veterinary Examining Board to require training and continuing education sufficient to assure competency of veterinarians and veterinary technicians in the practice of veterinary medicine.

Related statute or rule:

There are no other related statutes or rules other than those listed above.

Plain language analysis:

The board herein sets forth requirements for continuing education applicants attesting to continuing education completion on license renewal applications to the Department of Regulation and Licensing, defines program and course approval standards, program and course content prerequisites, and subject matter acceptability requirements. It limits the circumstances under which a continuing education waiver may be granted, describes the consequences resulting from failure to complete the continuing education requirements on time and what is allowed when the department audits continuing education. For course providers, it explains what is required for courses and programs to be approved, validation, monitoring, certification and recordkeeping requirements.

SECTION 1 amends s. VE 1.02 (intro.) to include chapter VE 10.

SECTION 2 amends VE 7.055 (title), (intro.), (1) and (2), SECTION 3 renumbers and amends VE 7.06 (22) and SECTION 4 creates VE 7.06 (22) (a) to (e) to require continuing education to be completed when a veterinarian applies to renew a license 5 or more years after it expires, and maintains the provision which

states that falsely certifying compliance with the pesticide continuing education requirement constitutes unprofessional conduct.

SECTION 5 creates a Note to highlight the fact that veterinarians are required to sign a statement at the time of renewal certifying that they have complied with one of the requirements in s. VE 10.04 (1), relating to the use, handling, distribution and disposal of pesticides.

SECTION 6 amends VE 9.035 (title), (intro.), (1) and (2), SECTION 7 rennumbers and amends VE 9.05 (12) and SECTION 8 creates VE 9.05 (12) (a) to (e) to require continuing education to be completed when a veterinary technician applies to renew a license 5 or more years after it expired, and maintains the provision which states that falsely certifying compliance with the pesticide continuing education requirement constitutes unprofessional conduct.

SECTION 9 creates a Note to highlight the fact that veterinary technicians are required to sign a statement at the time of renewal certifying that they have complied with one of the requirements in s. VE 10.04 (1), relating to the use, handling, distribution and disposal of pesticides.

SECTION 10 sets forth the statutory authority and purpose of new continuing education and certification requirements for veterinarians and veterinary technicians.

SECTION 11 describes and limits what the continuing education shall relate to, including provisions allowing 5 of the 30 veterinarian and veterinary technician hours on non-scientific topics, 5 hours from an education provider that is not approved under s. VE 10.03 (4) for veterinarians and 3 hours for veterinary technicians. Also, this section of the rule defines continuing education hour as 50 minutes of contact time and limits a waiver of the continuing education requirements to certain exceptional circumstances. It further limits application of credits to the preceding 2-year licensure or certification period, exempts applicants from having to report for the period prior to the first expiration date after a license is initially issued or renewed, prohibits practice as a veterinarian or veterinary technician when continuing education is not completed by the renewal date, and requires all veterinarians and veterinary technicians to maintain records of continuing education hours for five years from the date the certification is signed. The board may conduct an audit to check for compliance with specified documentation of completion requirements. In addition, the evidence required to verify completion of continuing education hours is spelled out by delineating the criteria a continuing education program or course must meet to be acceptable, including subject matter pertinent to veterinary medicine or veterinary technology, attendance and course completion validations for the program or course sponsor, modalities and methods of delivery. It lists providers in the rule whose approval of programs will be recognized by the board for the 25 hours that must be approved for veterinarians and the 12 hours for veterinary technicians.

SECTION 12 repeals ss. VE 10.05 and 10.06.

Summary of, and comparison with, existing or proposed federal regulation:

None. Establishing continuing education requirements and monitoring for compliance for veterinarians is a regulatory activity undertaken by the individual states.

Comparison with rules in adjacent states:

Based upon the requirements for renewing a credential in Illinois, Minnesota and Iowa, the continuing education requirements set forth in the proposed rules are consistent with the requirements in those states. Veterinarians and veterinary technicians are not required to complete continuing education hours in Michigan. Note that veterinary technicians are not required to be licensed in Minnesota.

Factual data and analytical methodologies:

The Veterinary Examining Board examined models of continuing education from other Wisconsin regulatory boards, from the American Association of Veterinary State Boards, and from national and state

associations. The board received input from the Department of Regulation and Licensing Office of Education and Examinations and members of the public in public meetings. The board considered availability of courses, availability of department and board resources, and impact on the licensee.

The Veterinary Examining Board defined general content requirements, numbers of hours required to be related to scientific topics, and amount of credit to be granted for activities such as authorship of published works. The board established approved provider requirements, necessary documentation requirements, procedures for verification of continuing education upon renewal, and procedures for maintaining documentation to enable audit of compliance with the requirement. The board retained the statutory requirements for continuing education or certification from persons who use or repackage pesticides for use by others.

The regulatory approach chosen for the rule was to describe the requirements for licensees and course providers in a way that would enable the parties to determine on their own whether a particular type of continuing education would be acceptable, based upon certain program and course criteria being met, course program pertinence to veterinary medicine, acceptable modalities and methods of delivery, and advance approval by authorities enumerated in the rule. One goal of this approach was to accomplish the implementation of the continuing education requirement and resulting maintenance of currency and prevention of public harm without incurring substantial ongoing regulatory management costs for the program.

Determination of significant fiscal effect on the private sector:

The Department of Regulation and Licensing has determined that this rule has no significant fiscal effect on the private sector.

Effect on small business:

Pursuant to s. 227.114 (1) (a), Stats., these proposed rules will have no significant economic impact on a substantial number of small businesses. The Department's Small Business Regulatory Review Coordinator may be contacted by email at christopher.klein@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708. Phone 608-266-0495.
E-mail address: pamela.haack@drl.state.wi.us

Place where comments are to be submitted and deadline for submission:

Written comments may be submitted to the addresses listed above. Comments must be received on or before December 13, 2004, to be considered in the rule-making proceedings.

TEXT OF RULE

SECTION 1. VE 1.02 (intro.) is amended to read:

VE 1.02 Definitions. (intro.) As used in chs. VE 1 to ~~9~~ 10:

SECTION 2. VE 7.055 (title), (intro.), (1) and (2) are amended to read:

VE 7.055 (title) ~~Reinstatement~~ Renewal of a ~~lapsed~~ license. (intro.) A license expires if not renewed by January 1 of even-numbered years. A licensee who allows the license to expire may apply to the board for ~~reinstatement~~ renewal of the ~~credential~~ license as follows:

(1) If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and fulfillment of the 30 hours of continuing education requirements required under s. ~~VE 10.04~~ ch. VE 10.

(2) If the licensee applies for renewal of the ~~credential~~ license 5 or more years after its expiration, in addition to requiring the licensee to pay the renewal fees required under s. 440.08, Stats., and to fulfill the continuing education hours required under ch. VE 10, the board shall inquire as to whether the applicant is competent to practice as a veterinarian in this state and shall impose any reasonable conditions on reinstatement of the license, including reexamination, as the board deems appropriate. An applicant under this subsection is presumed to be competent to practice as a veterinarian in this state if at the time of application for ~~reinstatement~~ renewal the applicant holds a full unexpired license issued by a similar licensing board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than the requirements for licensure in this state. Notwithstanding any presumption of competency under this subsection, the board shall require each applicant under this subsection to pass the examination specified under s. VE 3.02 (4).

SECTION 3. VE 7.06 (22) is renumbered VE 7.06 (22) (intro.) and is amended to read:

VE 7.06 (22) (intro.) ~~Falsely certifying to the board under s. VE 10.02 (6) or 10.04 (1) that the veterinarian is exempt from the requirements of ss. VE 10.03 and 10.04 or falsely certifying that the veterinarian has met certification or continuing veterinary education requirements relating to the use, handling, distribution and disposal of pesticides.~~

SECTION 4. VE 7.06 (22) (a) to (e) are created to read:

VE 7.06 (22) (a) Has completed the 30 hours of continuing education required under s. VE 10.02 (1).

(b) Is exempt under s. VE 10.02 (3) from having to complete the 30 hours of continuing education required under s. VE 10.02 (1).

(c) Does not personally use or direct the use of pesticides and does not repackage pesticides for use by others.

(d) Is currently certified by a certification program acceptable to the board in the use, handling, distribution and disposal of pesticides.

(e) Has completed one hour of acceptable continuing veterinary education in the use, handling, distribution and disposal of pesticides during the preceding 2-year licensure period.

SECTION 5. A Note following VE 7.06 (22) is created to read:

Note: At the time of the second renewal period following initial renewal and at the end of each following renewal period, veterinarians are required to sign a statement on their renewal application certifying compliance with one of the requirements set forth in s. VE 10.04 (1).

SECTION 6. VE 9.035 (title), (intro.), (1) and (2) are amended to read:

VE 9.035 (title) ~~Reinstatement~~ Renewal of a lapsed certificate certification. (intro.) A license certificate expires if not renewed by January 1 of even-numbered years. A certificate holder who allows the certificate to expire may apply to the board for ~~reinstatement~~ renewal of the ~~credential~~ certificate as follows:

(1) If the certificate holder applies for renewal of the certificate less than 5 years after its expiration, the certificate shall be renewed upon payment of the renewal fee and fulfillment of the 15 hours of continuing education requirements required under s. ~~VE 10.04~~ ch. VE 10.

(2) If the certificate holder applies for renewal of the ~~credential~~ certificate 5 or more years after its expiration, in addition to requiring the certificate holder to pay the renewal fees required under s. 440.08, Stats., and to fulfill the continuing education hours required under ch. VE 10, the board shall inquire as to whether the applicant is competent to practice as a veterinary technician in this state and shall impose any reasonable conditions on ~~reinstatement~~ renewal of the certificate including reexamination, as the board deems appropriate. An applicant under this subsection is presumed to be competent to practice as a veterinary technician in this state if at the time of application for ~~reinstatement~~ renewal the applicant holds a full unexpired certificate issued by a similar licensing board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than the requirements for certification in this state. Notwithstanding any presumptions of competency under this subsection, the board shall require each applicant under this subsection to pass the examination specified under s. VE 8.02 (2) and (3).

SECTION 7. VE 9.05 (12) is renumbered VE 9.05 (12) (intro.) and is amended to read:

VE 9.05 (12) (intro.) Falsely certifying to the board under s. VE 10.02 (6) or 10.04 (1) that the veterinary technician is exempt from the requirements of ss. VE 10.03 and 10.04 or falsely certifying that the veterinary technician has met certification or continuing veterinary education requirements relating to the use, handling, distribution and disposal of pesticides.

SECTION 8. VE 9.05 (12) (a) to (e) are created to read:

VE 9.05 (12) (a) Has completed the 15 hours of continuing education required under s. VE 10.02 (2).

(b) Is exempt under s. VE 10.02 (3) from having to complete the 15 hours of continuing education required under s. VE 10.02 (2).

(c) Does not personally use or direct the use of pesticides and does not repackage pesticides for use by others.

(d) Is currently certified by a certification program acceptable to the board in the use, handling, distribution and disposal of pesticides.

(e) Has completed one hour of acceptable continuing veterinary education in the use, handling, distribution and disposal of pesticides during the preceding 2-year licensure period.

SECTION 9. A Note following VE 9.05 (12) is created to read:

Note: At the time of the second renewal period following initial renewal and at the end of each following renewal period, veterinary technicians are required to sign a statement on their renewal application certifying compliance with one of the requirements set forth in s. VE 10.04 (1).

SECTION 10. VE 10.01 is amended to read:

VE 10.01 Authority and purpose. The rules in this chapter are adopted by the veterinary examining board pursuant to the authority delegated by ss. 15.08 (5), 227.11 (2), 453.03 (1), 453.03 (2) and 453.07 (1) (fm), Stats., and shall govern the certification and biennial continuing education, training and certification requirements for veterinarians and veterinary technicians relating to the use, handling, distribution and disposal of pesticides.

SECTION 11. VE 10.02, 10.03 and 10.04 are repealed and recreated to read:

VE 10.02 Continuing education. (1) (a) Except as provided in subs. (3) and (4), a veterinarian shall complete at least 30 hours of continuing education pertinent to veterinary medicine in each biennial renewal period. The 30 hours of continuing education shall include all of the following:

1. Except as provided in s. VE 10.04 (1), at least one hour of continuing education that relates to the use, handling, distribution and disposal of pesticides.

2. At least 25 hours of continuing education that relates to scientific topics pertinent to veterinary medicine.

(b) All 30 continuing education hours in this subsection shall be documented. A minimum of 25 hours of continuing education shall be documented by an approved continuing education provider.

(c) A continuing education hour shall consist of 50 minutes of contact time.

(2) (a) Except as provided in subs. (3) and (4), a veterinary technician shall complete at least 15 hours of continuing education pertinent to veterinary medicine or veterinary technology in each biennial renewal period. The 15 hours of continuing education shall include all of the following:

1. Except as provided in s. VE 10.04 (1), at least one hour of continuing education that relates to the use, handling, distribution and disposal of pesticides.

2. At least 10 hours of continuing education that relates to scientific topics pertinent to veterinary medicine.

(b) All 15 continuing education hours required in this subsection shall be documented. A minimum of 12 hours of continuing education shall be documented by an approved continuing education provider.

(c) A continuing education hour shall consist of 50 minutes of contact time.

Note: A list of approved program providers is contained in s. VE 10.03 (4).

(3) Subsections (1) and (2) do not apply to an applicant who applies to renew a license or certificate that expires on the first expiration date after initial issuance of the license or certificate.

(4) The board may waive the requirements under subs. (1) and (2) if it finds that exceptional circumstances, such as prolonged illness, disability, or other similar circumstances, have prevented an applicant from meeting the requirements.

(5) Continuing education hours shall be completed during the preceding 2-year licensure or certification period.

(6) To obtain credit for completion of continuing education hours, a licensee or certificate holder shall, at the time of each renewal, sign a statement certifying that he or she has completed, during the preceding 2-year licensure or certification period, the continuing education programs required under sub. (1) or (2), as appropriate.

(7) A veterinarian or veterinary technician who fails to complete the continuing education requirements by the renewal date shall not practice as a veterinarian or veterinary technician, as appropriate, until his or her license or certificate is renewed.

(8) For auditing purposes, every veterinarian and veterinary technician shall maintain records of continuing education hours for at least 5 years from the date the certification statement required under sub. (6) is signed. The board may audit for compliance by requiring a veterinarian or veterinary technician to submit evidence of compliance to the board for the biennium immediately preceding the biennium in which the audit is performed. Documentation of completion of continuing education hours shall include one of the following:

- (a) A certificate of attendance from an approved course provider.
- (b) Complete references from journal articles read.
- (c) A grade report or transcript from an accredited college or university.
- (d) A copy of a published work authored or co-authored by the licensee or certificate holder.
- (e) A copy of a meeting syllabus, announcement, abstract or proceeding for a presentation.
- (f) A signed document from an internship or residency institution certifying enrollment in a program.

VE 10.03 Continuing education programs and courses. (1) **CRITERIA FOR PROGRAM AND COURSE APPROVAL.** To be approved, a continuing education program or course shall meet the following criteria:

(a) The subject matter of the program or course shall be pertinent to veterinary medicine or veterinary technology.

(b) The program or course sponsor agrees to record registration and furnish a certificate of attendance to each participant.

(2) UNRELATED SUBJECT MATTER. If a continuing education course includes subject matter that is not pertinent to veterinary medicine or veterinary technology, only those portions of the course that relate to veterinary medicine or veterinary technology will qualify as continuing education under this chapter.

(3) MODALITIES AND METHODS OF DELIVERY. Modalities and methods of delivery of continuing education programs acceptable to the board include one or more of the following:

(a) Attendance at a scientific workshop, seminar, or laboratory demonstration pertinent to veterinary medicine or veterinary technology.

(b) Self-study of veterinary medical or other pertinent scientific journals.

(c) Enrollment in graduate or other college level courses pertinent to veterinary medicine or veterinary technology. Credit for qualified courses will be approved on the basis of multiplying each college credit hour by 10.

(d) Enrollment in an internship, residency or certification program approved by a veterinary specialty organization recognized by the AVMA or in an AVMA accredited veterinary school.

(e) Authorship or co-authorship of a published work, such as review articles, abstracts, presentations, proceedings, book chapters, and web-based continuing education materials shall be approved for 5 hours each.

(f) A peer reviewed publication shall be approved for 5 hours.

(g) Development and presentation of research findings, scientific workshops, seminars or laboratory demonstrations pertinent to veterinary medicine or veterinary technology shall be approved for 5 contact hours each.

(h) Up to 15 hours per biennium for veterinarians and up to 8 hours per biennium for veterinary technicians shall be granted for a combination of continuing education hours completed under pars. (e) to (g), provided the continuing education is published or presented under the auspices of a provider approved under sub. (4).

(i) Preparation and successful completion of the examination required for certification to use, handle, distribute and dispose of pesticides shall be approved for one hour.

(j) On-line, video, audio, correspondence courses, or other interactive distance learning courses pertinent to veterinary medicine or veterinary technology, or to employment as a veterinarian or veterinary technician, as appropriate.

(4) APPROVED PROGRAM PROVIDERS. Subject to compliance with the requirements set forth in subs. (1) to (3), the board shall approve attendance at and completion of one or more continuing education programs approved by any one of the following approved program providers as fulfilling the continuing education hours required under this chapter:

(a) A national, regional, state, or local veterinary medical or veterinary technician association.

- (b) A federal or state agency.
- (c) An accredited college or university.
- (d) An association listed in the AVMA or the National Association of Veterinary Technicians in America directory.
- (e) An AVMA accredited veterinary school or veterinary technician program.
- (f) A program approved by the American Association of Veterinary State Boards through its Registry of Approved Continuing Education approval program.

VE 10.04 Continuing education and training in the use, handling, distribution and disposal of pesticides required. (1) Each veterinarian and each veterinary technician shall at the end of the second renewal period following initial renewal, and at the end of each following renewal period, sign a statement on his or her application for renewal certifying to one of the following:

- (a) That the veterinarian or veterinary technician does not personally use or direct the use of pesticides and does not repackage pesticides for use by others.
- (b) That the veterinarian or veterinary technician is currently certified by a certification program acceptable to the board in the use, handling, distribution and disposal of pesticides, and that the veterinarian or veterinary technician intends to maintain his or her certification instead of completing the biennial continuing veterinary education requirement.
- (c) That the veterinarian or veterinary technician has satisfactorily completed one hour of acceptable continuing education in the use, handling, distribution and disposal of pesticides during the preceding 2-year licensure or certification period.

(2) Each veterinarian and each veterinary technician who signs a certification under par. (1) (a) and who is associated with or employed by a clinic holding a veterinary clinic permit issued under s. 94.702, Stats., shall include the permit number with the certification.

SECTION 12. VE 10.05 and 10.06 are repealed.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____ Agency _____
Chairperson
Veterinary Examining Board